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ORGANISATION MONDIALE DES DOUANES

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HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

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26th Session
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O. Fr.

Brussels, 2 August 2002.

POSSIBLE ALIGNMENT OF THE FRENCH AND ENGLISH TEXTS OF

NOTE 9 TO CHAPTER 71

(PROPOSAL BY THE **EC**)

(Item III.B.10 on Agenda)

I. BACKGROUND

1. On 12 July 2002, the Secretariat received the following note from the **EC** concerning a possible lack of alignment between the French and English versions of the text of Note 9 to Chapter 71.

II. NOTE FROM THE **EC**

2. "The **EC** request to bring this matter to the attention of the HS Committee in order to establish a strict alignment between the two official language versions.
3. The scope of heading 71.13 is delimited by legal Note 9 (a) and (b) of this Chapter. However, the French version of this Note contains a last paragraph which stipulates :
4. "Au sens du même numéro, on entend par "articles de joaillerie", les articles de bijouterie en métaux précieux ou en plaqués ou doublés de métaux précieux qui comportent des perles fines, de culture ou fausses, des pierres gemmes ou fausses, des pierres synthétiques ou reconstituées ou bien des parties en écaille, nacre, ivoire, ambre naturel ou reconstitué, jais ou corail". "

'For the purposes of this heading articles of jewellery comprise also articles of jewellery of precious metals or rolled precious metals containing natural pearls, cultured pearls or false

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pearls, precious or semi-precious stones, synthetic or reconstructed stones or parts in tortoise-shell, mother of pearl, ivory, natural or reconstructed amber, jet or coral."

III. SECRETARIAT COMMENTS

5. As this is a proposal relating to a possible amendment of the legal texts, the Secretariat feels that the Review Sub-Committee should first make a decision on this matter, even though the EC's introductory correspondence was intended for the Harmonized System Committee.
6. With regard to the question at issue, the Secretariat would point out that this possible difference between the two texts dates back to the Brussels Nomenclature of 1950. In fact, when drafting this Nomenclature text, this last paragraph was not included in English, probably because the reference to "articles de joaillerie" in the French text had no equivalent in the English version, since within the meaning of heading 71.13, the English expression "articles of jewellery" comprises both articles covered by the French expressions "articles de bijouterie" and "articles de joaillerie".
7. This wording of this Note was used in subsequent versions of the Nomenclature and when preparing the Harmonized System the said text was reproduced in full, the only change being the numbering from Note 8 to Note 9.
8. In the Secretariat's view the addition of this paragraph in the English text is not strictly necessary and appears to merely state the obvious. Nevertheless, the Secretariat leaves it to the Sub-Committee to decide on the desirability of the proposed amendment.

III. CONCLUSION

9. The Sub-Committee is invited to examine the EC's proposal on the basis of its note and the Secretariat's comments in paragraphs 5 to 8 above.
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